

I certify that the attached is a true and correct copy of H.J.R. 62, which was filed of record on FEB. 17, 1981 and referred to the committee on:

Constitutional Amend.

FILED FEB 17 1981

*Barry M. Murray*  
Chief Clerk of the House

By *[Signature]*

H.J.R. No. 62

A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize the legislature  
2 to provide by law for assistance grants, medical care, and services  
3 to needy persons without a constitutional ceiling on the amount of  
4 state assistance.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. That Article III, Section 51-a, of the Texas  
7 Constitution be amended to read as follows:

8 Sec. 51-a. The Legislature shall have the power, by General  
9 Laws, to provide, subject to limitations herein contained, and such  
10 other limitations, restrictions and regulations as may by the  
11 Legislature be deemed expedient, for assistance grants to and/or  
12 medical care for, and for rehabilitation and any other services  
13 included in the federal laws as they now read or as they may  
14 hereafter be amended, providing matching funds to help such  
15 families and individuals attain or retain capability for  
16 independence or self-care, and for the payment of assistance grants  
17 to and/or medical care for, and for rehabilitation and other  
18 services to or on behalf of:

19 (1) Needy aged persons who are citizens of the United States  
20 or noncitizens who shall have resided within the boundaries of the  
21 United States for at least twenty-five (25) years;

22 (2) Needy individuals who are totally and permanently  
23 disabled by reason of a mental or physical handicap or a  
24 combination of physical and mental handicaps;

1           (3) Needy blind persons;

2           (4) Needy dependent children and the caretakers of such  
3 children.

4           The Legislature may prescribe such other eligibility  
5 requirements for participation in these programs as it deems  
6 appropriate.

7           The Legislature shall have authority to enact appropriate  
8 legislation which will enable the State of Texas to cooperate with  
9 the Government of the United States in providing assistance to  
10 and/or medical care on behalf of needy persons, in providing  
11 rehabilitation and any other services included in the federal laws  
12 making matching funds available to help such families and  
13 individuals attain or retain capability for independence or  
14 self-care, to accept and expend funds from the Government of the  
15 United States for such purposes in accordance with the laws of the  
16 United States as they now are or as they may hereafter be amended,  
17 and to make appropriations out of state funds for such purposes[  
18 ~~provided-that-the-maximum-amount-paid-out-of-state-funds-to--or--on~~  
19 ~~behalf--of--any--needy--person--shall-not-exceed-the-amount-that-is~~  
20 ~~matchable-out-of-federal-funds,-provided-that-the-total--amount--of~~  
21 ~~such--assistance-payments-only-out-of-state-funds-on-behalf-of-such~~  
22 ~~individuals-shall-not-exceed-the-amount-of-Eighty--Million--Dollars~~  
23 ~~(\$80,000,000)-during-any-fiscal-year-~~

24           [~~Supplementing---legislative--appropriations--for--assistance~~  
25 ~~payments--authorized--by--this--Section,--the--following--sums--are~~  
26 ~~allocated---out---of---the--Omnibus--Tax--Clearance--Fund--and--are~~  
27 ~~appropriated-to-the-State-Department--of--Public--Welfare--for--the~~

1   period--beginning--September--1,--1969--and--ending--August--31,--1971--  
2   Three-Million,--Six-Hundred-Thousand-Dollars--(\$3,600,000)--for--Old  
3   Age---Assistance,---Two--Million,--Five--Hundred--Thousand--Dollars  
4   (\$2,500,000)--for-Aid-to-the-Permanently-and-Totally--Disabled,--and  
5   Twenty-Three--Million,--Nine-Hundred-Thousand-Dollars--(\$23,900,000)  
6   for-Aid-to-Families-with-Dependent-Children--Such-allocations--and  
7   appropriations--shall--be--made--available--on--the--basis-of-equal  
8   monthly--installments--and--otherwise--shall--be--subject--to--the  
9   provisions--of--currently--existing--laws--making--allocations--and  
10   appropriations-for-these-purposes].

11         Provided further, that if the limitations and restrictions  
12   herein contained are found to be in conflict with the provisions of  
13   appropriate federal statutes, as they now are or as they may be  
14   amended to the extent that federal matching money is not available  
15   to the state for these purposes, then and in that event the  
16   Legislature is specifically authorized and empowered to prescribe  
17   such limitations and restrictions and enact such laws as may be  
18   necessary in order that such federal matching money will be  
19   available for assistance and/or medical care for or on behalf of  
20   needy persons.

21         Nothing in this Section shall be construed to amend, modify  
22   or repeal Section 31 of Article XVI of this Constitution; provided  
23   further, however, that such medical care, services or assistance  
24   shall also include the employment of objective or subjective means,  
25   without the use of drugs, for the purpose of ascertaining and  
26   measuring the powers of vision of the human eye, and fitting lenses  
27   or prisms to correct or remedy any defect or abnormal condition of

1 vision. Nothing herein shall be construed to permit optometrists  
2 to treat the eyes for any defect whatsoever in any manner nor to  
3 administer nor to prescribe any drug or physical treatment  
4 whatsoever, unless such optometrist is a regularly licensed  
5 physician or surgeon under the laws of this state.

6 SECTION 2. This proposed constitutional amendment shall be  
7 submitted to the voters at an election to be held November 2, 1982.  
8 The ballot shall be printed to provide for voting for or against  
9 the proposition: "The constitutional amendment to authorize the  
10 legislature to provide assistance to needy persons without a  
11 constitutional ceiling on the permissible amount of state  
12 assistance."

# HOUSE COMMITTEE REPORT

1ST PRINTING

F

By Washington

H.J.R. No. 62

## A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize the legislature  
2 to provide by law for assistance grants, medical care, and services  
3 to needy persons without a constitutional ceiling on the amount of  
4 state assistance.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. That Article III, Section 51-a, of the Texas  
7 Constitution be amended to read as follows:

8 Sec. 51-a. The Legislature shall have the power, by General  
9 Laws, to provide, subject to limitations herein contained, and such  
10 other limitations, restrictions and regulations as may by the  
11 Legislature be deemed expedient, for assistance grants to and/or  
12 medical care for, and for rehabilitation and any other services  
13 included in the federal laws as they now read or as they may  
14 hereafter be amended, providing matching funds to help such  
15 families and individuals attain or retain capability for  
16 independence or self-care, and for the payment of assistance grants  
17 to and/or medical care for, and for rehabilitation and other  
18 services to or on behalf of:

19 (1) Needy aged persons who are citizens of the United States  
20 or noncitizens who shall have resided within the boundaries of the  
21 United States for at least twenty-five (25) years;

22 (2) Needy individuals who are totally and permanently  
23 disabled by reason of a mental or physical handicap or a  
24 combination of physical and mental handicaps;

1 (3) Needy blind persons;

2 (4) Needy dependent children and the caretakers of such  
3 children.

4 The Legislature may prescribe such other eligibility  
5 requirements for participation in these programs as it deems  
6 appropriate.

7 The Legislature shall have authority to enact appropriate  
8 legislation which will enable the State of Texas to cooperate with  
9 the Government of the United States in providing assistance to  
10 and/or medical care on behalf of needy persons, in providing  
11 rehabilitation and any other services included in the federal laws  
12 making matching funds available to help such families and  
13 individuals attain or retain capability for independence or  
14 self-care, to accept and expend funds from the Government of the  
15 United States for such purposes in accordance with the laws of the  
16 United States as they now are or as they may hereafter be amended,  
17 and to make appropriations out of state funds for such purposes[  
18 ~~provided-that-the-maximum-amount-paid-out-of-state-funds-to--or--on~~  
19 ~~behalf--of--any--needy--person--shall-not-exceed-the-amount-that-is~~  
20 ~~matchable-out-of-federal-funds;-provided-that-the-total--amount--of~~  
21 ~~such--assistance-payments-only-out-of-state-funds-on-behalf-of-such~~  
22 ~~individuals-shall-not-exceed-the-amount-of-Eighty--Million--Dollars~~  
23 ~~(\$80,000,000)-during-any-fiscal-year-~~

24 [Supplementing---legislative--appropriations--for--assistance  
25 payments--authorized--by--this--Section;-the--following--sums--are  
26 allocated---out---of---the--Omnibus--Tax--Clearance--Fund--and--are  
27 appropriated-to-the-State-Department--of--Public--Welfare--for--the

1    period--beginning--September--1,--1969--and--ending--August--31,--1971--  
 2    Three-Million,--Six-Hundred-Thousand-Dollars--(\$3,600,000)--for--Old  
 3    Age---Assistance,---Two--Million,--Five--Hundred--Thousand--Dollars  
 4    (\$2,500,000)--for--Aid--to--the--Permanently--and--Totally--Disabled,--and  
 5    Twenty-Three--Million,--Nine-Hundred-Thousand-Dollars--(\$23,900,000)  
 6    for--Aid--to--Families--with--Dependent--Children.---Such--allocations--and  
 7    appropriations--shall--be--made--available--on--the--basis--of--equal  
 8    monthly--installments--and--otherwise--shall--be--subject--to---the  
 9    provisions--of--currently--existing--laws--making--allocations--and  
 10    appropriations--for--these--purposes].

11         Provided further, that if the limitations and restrictions  
 12    herein contained are found to be in conflict with the provisions of  
 13    appropriate federal statutes, as they now are or as they may be  
 14    amended to the extent that federal matching money is not available  
 15    to the state for these purposes, then and in that event the  
 16    Legislature is specifically authorized and empowered to prescribe  
 17    such limitations and restrictions and enact such laws as may be  
 18    necessary in order that such federal matching money will be  
 19    available for assistance and/or medical care for or on behalf of  
 20    needy persons.

21         Nothing in this Section shall be construed to amend, modify  
 22    or repeal Section 31 of Article XVI of this Constitution; provided  
 23    further, however, that such medical care, services or assistance  
 24    shall also include the employment of objective or subjective means,  
 25    without the use of drugs, for the purpose of ascertaining and  
 26    measuring the powers of vision of the human eye, and fitting lenses  
 27    or prisms to correct or remedy any defect or abnormal condition of

1 vision. Nothing herein shall be construed to permit optometrists  
2 to treat the eyes for any defect whatsoever in any manner nor to  
3 administer nor to prescribe any drug or physical treatment  
4 whatsoever, unless such optometrist is a regularly licensed  
5 physician or surgeon under the laws of this state.

6 SECTION 2. This proposed constitutional amendment shall be  
7 submitted to the voters at an election to be held November 2, 1982.  
8 The ballot shall be printed to provide for voting for or against  
9 the proposition: "The constitutional amendment to authorize the  
10 legislature to provide assistance to needy persons without a  
11 constitutional ceiling on the permissible amount of state  
12 assistance."



COMMITTEE REPORT

The Honorable Bill Clayton  
Speaker of the House of Representatives

4-22-81

(date)

Sir:

We, your COMMITTEE ON CONSTITUTIONAL AMENDMENTS, to whom was referred HJR 62, have had the same under consideration and beg to report back with the recommendation that it (measure)

- (X) do pass, without amendment.  
( ) do pass, with amendment(s).  
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes ( ) no

An author's fiscal statement was requested. ( ) yes (X) no

An actuarial analysis was requested. ( ) yes (X) no

The Committee recommends that this measure be placed on the ~~Death~~ or ~~Consent~~ Calendar.

This measure ( ) proposes new law.  
( ) amends existing law.

(X) *proposes a constitutional amendment*

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

AYE

NAY

PNV

ABSENT

McFarland, Ch.	✓			
Whaley, V.C.				✓
Atkinson				✓
Barrientos	✓			
Delco	✓			
Elizondo	✓			
Schoolcraft				✓
Sharp	✓			
Ware			✓	

Total

5 aye

0 nay

1 present, not voting

3 absent

*Ed M. Whaley*  
CHAIRMAN

*Reynolds*  
COMMITTEE COORDINATOR

## Analysis

### Background Information

Article III, Section 51-a, of the Texas Constitution provides authority for the Legislature to enact appropriate legislation to enable the State of Texas to cooperate with the Government of the United States in providing assistance and/or medical care to needy persons (i.e., aged, disabled, and blind persons, and needy dependent children), in providing rehabilitation and any other services included in the federal laws making matching funds available, to accept and expend funds from the federal government for such purposes, and to make appropriations out of state funds for such purposes. Sec. 51-a further provides "that the maximum amount paid out of state funds to or on behalf of any needy person shall not exceed the amount that is matchable out of federal funds," provided that the total amount of such assistance payments shall not in any event exceed the amount of \$80,000,000 during any fiscal year. The Legislative Budget Board estimates funding of the AFDC program to be approximately \$76 million for the current fiscal year if current appropriations levels are maintained and caseload projections are accurate. If the economy worsens, however, we may reach the ceiling during the current biennium.

### Purpose and Synopsis

The purpose of this resolution is to amend Art. III, Sec. 51-a, of the Texas Constitution by deleting the language which provides for a constitutional ceiling on the amount of state assistance with respect to assistance to needy persons. In addition, the resolution deletes the fourth paragraph of Sec. 51-a, which is obsolete as it was a direct statutory supplemental appropriation for a period beginning September 1, 1969, and ending August 31, 1971.

Finally, the resolution provides for submission of the proposed constitutional amendment to the voters at an election to be held November 2, 1982, and provides for the form of the ballot.

### Rulemaking Authority

This resolution does not delegate rulemaking authority to a state officer, agency, department or institution.

### Summary of Committee Action

Public notice was posted in accordance with Rule V, Section 14, Rules of Procedure of the House of Representatives and a public hearing was held on March 17, 1981.

The following individuals were recognized for testimony in support of the resolution:

Phil Strickland, Executive Director, Christian Life  
Commission  
Harry Hubbard, President, Texas AFL-CIO, United Labor  
Legislative Commission  
Peggy Boice, Associate Director, United Way of Texas  
Richard Daly, Executive Director, Texas Catholic Conference  
Nancy Bene, Legislative Director, League of Women Voters  
of Texas  
Fredrik Buss, Chairman of the Board, Texas Institute for  
Families

The chair also noted, for the record, the presence of the following additional supporters of HJR 62:

(Mrs.) Wayne G. Smith, Homemaker (representing herself)  
Lynn V. Clymer, Vice-President and General Manager,  
Texas Division, American Association of University Women  
Ron Hubbard, Center Director, Texas and Austin Associations  
for the Education of Young Children  
Sydney M. Janak, Texas Women's Political Caucus  
Charlotte Flynn, Gray Panthers of Austin  
J.B. Brannen, Executive Director, Child and Family Service  
of Austin  
James C. Suggs, Executive Director, Texas Conference of  
Churches  
James Tomasek, Jr., Conference Minister, South Central  
Conference, United Church of Christ and Texas Impact  
Sally L. Scott, Director, Texas Association for Education  
of Young Children  
Jeffrey J. Skarda, Attorney, Houston Welfare Rights  
Organization  
Peggy Romberg, Executive Director, Texas Family Planning  
Association  
Arenia Edwards, Houston Welfare Rights Organization  
James E. Payne, Social Worker, Texas Chapter, National  
Association of Social Workers  
Teresa Ware, Executive Director, Lifeline, Inc.

There was no testimony in opposition to HJR 62.

The bill was referred to a subcommittee consisting of the following:  
Representative Barrientos, ch., Representatives Elizondo and Whaley,  
members. On April 14, 1981, the measure was favorably reported to the  
full committee without amendments.

On April 22, 1981, the full committee voted to report HJR 62 to the House  
without amendments and the recommendation that it do pass by a record  
vote of five (5) ayes, no (0) nays, and one PVN (3 members absent).

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 17, 1981

Honorable Bob McFarland, Chairman  
Committee on Constitutional Amendments  
House of Representatives  
Austin, Texas

In Re: House Joint Resolution No. 62  
By: Washington

Sir:

In response to your request pursuant to House Rules, Section 3.119, this office finds the fiscal implications of House Joint Resolution No. 62 (proposing a constitutional amendment to authorize the Legislature to provide by law for assistance grants, medical care, and services to needy persons without a constitutional ceiling on the amount of state assistance) to be as follows:

If the Legislature approves the proposed amendment for placement on the ballot, a cost for publication would be incurred. The cost of publication of resolutions, prior to election, has been included for the Secretary of State in the General Appropriations Bill, as introduced. The funding would cover the costs of publishing approximately nine amendment summaries. If more than nine constitutional amendments are proposed by the Legislature, it would be necessary to increase the general appropriation for advertising each additional constitutional amendment by approximately \$52,000.

Technically the resolution does not increase AFDC Grants; therefore the amounts shown below are based on projected caseload with grants projected at the FY1982 and FY1983 rates. If grants are increased the caseload will increase because of expanded eligibility criteria and the expenditure in state funds will be directly related to the amount of the AFDC Grants. The Federal government does not participate in the portion of the AFDC Grant exceeding \$32.00 per month. For this reason any amount of grant increase is 100% State funds.


The probable cost of implementing the provisions of the bill over the \$80 million constitutional ceiling during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1982	\$ -0-
1983	-0-
1984	-0-
1985	134,632
1986	1,556,458

If the caseloads were to increase the cost of medical assistance for AFDC recipients would also increase proportionally.

The total cost to the State would, in fact, depend on future decisions of the Legislature as to the amount of the average AFDC monthly grant payment.

No fiscal implication or additional cost to units of local government attributable to the bill, should it be enacted, is anticipated.

  
Thomas M. Keel  
Director

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 8, 1981

Honorable Chet Brooks, Chairman  
Committee on Human Resources  
Senate Chamber  
Austin, Texas

In Re: House Joint Resolution No. 62,  
as engrossed  
By: Washington

Sir:

In response to your request pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of House Joint Resolution No. 62, as engrossed (proposing a constitutional amendment to authorize the Legislature to provide by law for assistance grants, medical care, and services to needy persons without a constitutional ceiling on the amount of state assistance) to be as follows:

If the Legislature approves the proposed amendment for placement on the ballot, a cost for publication would be incurred. The cost of publication of resolutions, prior to election, has been included for the Secretary of State in the General Appropriations Bill, as introduced. The funding would cover the costs of publishing approximately nine amendment summaries. If more than nine constitutional amendments are proposed by the Legislature, it would be necessary to increase the general appropriation for advertising each additional constitutional amendment by approximately \$52,000.

Technically the resolution does not increase AFDC Grants; therefore the amounts shown below are based on projected caseload with grants projected at the FY1982 and FY1983 rates. If grants are increased the caseload will increase because of expanded eligibility criteria and the expenditure in state funds will be directly related to the amount of the AFDC Grants. The Federal government does not participate in the portion of the AFDC Grant exceeding \$32.00 per month. For this reason any amount of grant increase is 100% State funds.


The probable cost of implementing the provisions of the bill over the \$80 million constitutional ceiling during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1982	\$ -0-
1983	-0-
1984	-0-
1985	134,632
1986	1,556,458

If the caseloads were to increase the cost of medical assistance for AFDC recipients would also increase proportionally.

The total cost to the State would, in fact, depend on future decisions of the Legislature as to the amount of the average AFDC monthly grant payment.

No fiscal implication or additional cost to units of local government attributable to the bill, should it be enacted, is anticipated.

  
Thomas M. Keel  
Director

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 19, 1981

Honorable Chet Brooks, Chairman  
Committee on Human Resources  
Senate Chamber  
Austin, Texas

In Re: Committee Substitute for  
House Joint Resolution No. 62

Sir:

In response to your request pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Committee Substitute for House Joint Resolution No. 62 (proposing a constitutional amendment to authorize the Legislature to provide by law for assistance grants, medical care, and services to needy persons) to be as follows:

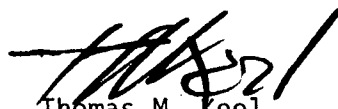
If the Legislature approves the proposed amendment for placement on the ballot, a cost for publication would be incurred. The cost of publication of resolutions, prior to election, has been included for the Secretary of State in the General Appropriations Bill as introduced. The funding would cover the costs of publishing approximately nine amendment summaries. If more than nine constitutional amendments are proposed by the Legislature, it would be necessary to increase the general appropriation for advertising each additional constitutional amendment by approximately \$52,000.

If the electorate approves the proposed amendment, the maximum amount paid out of State Funds to or on behalf of any needy person would be \$160,000,000 for the two years of the 1982-83 biennium. For the two years of each subsequent biennium, the maximum amount could not exceed one percent of the amount determined to be the limit on appropriations of revenues derived from State taxes not dedicated by the Texas Constitution as determined by the Legislature under the authority of Article 8, Section 22.

Article 8, Section 22 of the Texas Constitution provides that in no biennium shall the rate of growth of appropriations from state tax revenues not dedicated by the constitution exceed the estimated rate of growth of the state's economy. The growth in the state's economy is measured by the growth in Texas personal income (H. B. 1060, 66th Legislature, Regular Session). The growth in personal income reflects the increase in the working population and the rise in wages and other income due to increased productivity and rising price levels. In the past four biennia, personal income in Texas has increased at a biennial rate of just under 30 percent. It seems reasonable to use this rate of growth as a basis for anticipating future changes in the limit in H.J.R. No. 62, as substituted, recognizing that in specific biennia the business cycle will tend to produce increases that are sometimes above and sometimes below the 30 percent rate.

Historically, the Texas Legislature has not found it necessary to move immediately to the constitutional limit in appropriating funds for payments to needy persons. The amount that would be appropriated under the limitation set forth in H. J. R. No. 62, as substituted, would depend upon the decisions of the Texas Legislature and cannot be determined for purposes of this fiscal note.

No fiscal implication or additional cost to units of local government attributable to the bill, should it be enacted, is anticipated.

  
Thomas M. Keel  
Director

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 26, 1981

Honorable Chet Brooks, Chairman  
Committee on Human Resources  
Senate Chamber  
Austin, Texas

In Re: Committee Substitute for  
House Joint Resolution No. 62

Sir:

In response to your request pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Committee Substitute for House Joint Resolution No. 62 (proposing a constitutional amendment to authorize the Legislature to provide by law for assistance grants, medical care, and services to needy persons) to be as follows:

If the Legislature approves the proposed amendment for placement on the ballot, a cost for publication would be incurred. The cost of publication of resolutions, prior to election, has been included for the Secretary of State in the General Appropriations Bill as introduced. The funding would cover the costs of publishing approximately nine amendment summaries. If more than nine constitutional amendments are proposed by the Legislature, it would be necessary to increase the general appropriation for advertising each additional constitutional amendment by approximately \$52,000.

If the electorate approves the proposed amendment, the maximum amount paid out of State Funds to or on behalf of any needy person would be \$160,000,000 for the two years of the 1982-83 biennium. For the two years of each subsequent biennium, the maximum amount could not exceed one percent of the state budget. The Legislature by general statute would provide for the means for determining the state budget amounts, including state and other funds appropriated by the Legislature, to be used in establishing the biennial limit.

At the time this fiscal note is being written, the state budget for 1982-83 has not been finally determined, but the average of the general appropriation bills passed by the House and by the Senate is \$26,543,428,975. This includes the amounts appropriated in the line items financed by both state and federal funds. One percent of this total would be \$265,434,290, roughly in line with the proposed limit of \$260,000,000 for the 1982-83 biennium. During the five most recent completed biennia, the biennium-to-biennium increase in the State budget, as reflected by expenditures, ranged from 22.2 to 30.7 percent. This experience suggests that economic growth in Texas and a continuing inflation rate would cause the state budget to increase in the future, thereby authorizing an increase in the limitation that would be set by this amendment, but the rate of increase could fluctuate.

Historically, the Texas Legislature has not found it necessary to move immediately to the constitutional limit in appropriating funds for payments to needy persons. The amount that would be appropriated under the limitation set forth in H. J. R. No. 62, as substituted, would depend upon the decisions of the Texas Legislature and cannot be determined for purposes of this fiscal note.

No fiscal implication or additional cost to units of local government attributable to the bill, should it be enacted, is anticipated.

  
Thomas M. Keel  
Director

Source: LBB Staff: TK, HS, PA

F

ENGROSSED  
THIRD READING

By Washington

H.J.R. No. 62

A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize the legislature  
2 to provide by law for assistance grants, medical care, and services  
3 to needy persons without a constitutional ceiling on the amount of  
4 state assistance.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. That Article III, Section 51-a, of the Texas  
7 Constitution be amended to read as follows:

8 Sec. 51-a. The Legislature shall have the power, by General  
9 Laws, to provide, subject to limitations herein contained, and such  
10 other limitations, restrictions and regulations as may by the  
11 Legislature be deemed expedient, for assistance grants to and/or  
12 medical care for, and for rehabilitation and any other services  
13 included in the federal laws as they now read or as they may  
14 hereafter be amended, providing matching funds to help such  
15 families and individuals attain or retain capability for  
16 independence or self-care, and for the payment of assistance grants  
17 to and/or medical care for, and for rehabilitation and other  
18 services to or on behalf of:

19 (1) Needy aged persons who are citizens of the United States  
20 or noncitizens who shall have resided within the boundaries of the  
21 United States for at least twenty-five (25) years;

22 (2) Needy individuals who are totally and permanently  
23 disabled by reason of a mental or physical handicap or a  
24 combination of physical and mental handicaps;



1 (3) Needy blind persons;

2 (4) Needy dependent children and the caretakers of such  
3 children.

4 The Legislature may prescribe such other eligibility  
5 requirements for participation in these programs as it deems  
6 appropriate.

7 The Legislature shall have authority to enact appropriate  
8 legislation which will enable the State of Texas to cooperate with  
9 the Government of the United States in providing assistance to  
10 and/or medical care on behalf of needy persons, in providing  
11 rehabilitation and any other services included in the federal laws  
12 making matching funds available to help such families and  
13 individuals attain or retain capability for independence or  
14 self-care, to accept and expend funds from the Government of the  
15 United States for such purposes in accordance with the laws of the  
16 United States as they now are or as they may hereafter be amended,  
17 and to make appropriations out of state funds for such purposes[;  
18 ~~provided-that-the-maximum-amount-paid-out-of-state-funds-to--or--on~~  
19 ~~behalf--of--any--needy--person--shall-not-exceed-the-amount-that-is~~  
20 ~~matchable-out-of-federal-funds;-provided-that-the-total--amount--of~~  
21 ~~such--assistance-payments-only-out-of-state-funds-on-behalf-of-such~~  
22 ~~individuals-shall-not-exceed-the-amount-of-Eighty--Million--Dollars~~  
23 ~~(\$80,000,000)-during-any-fiscal-year.~~

24 [Supplementing---legislative--appropriations--for--assistance  
25 payments--authorized--by--this--Section;-the--following--sums--are  
26 allocated---out---of---the--Omnibus--Tax--Clearance--Fund--and--are  
27 appropriated-to-the-State-Department--of--Public--Welfare--for--the

1 period--beginning--September--1,--1969--and--ending--August--31,--1971--  
 2 Three-Millien,--Six-Hundred-Thousand-Dollars--(\$3,600,000)--for--Old  
 3 Age---Assistance,---Two--Millien,--Five--Hundred--Thousand--Dollars  
 4 (\$2,500,000)--for--Aid--to--the--Permanently--and--Totally--Disabled,--and  
 5 Twenty-Three--Millien,--Nine-Hundred-Thousand-Dollars--(\$23,900,000)  
 6 for--Aid--to--Families--with--Dependent--Children--Such--allocations--and  
 7 appropriations--shall--be--made--available--on--the--basis--of--equal  
 8 monthly--installments--and--otherwise--shall--be--subject--to--the  
 9 provisions--of--currently--existing--laws--making--allocations--and  
 10 appropriations--for--these--purposes].

11       Provided further, that if the limitations and restrictions  
 12 herein contained are found to be in conflict with the provisions of  
 13 appropriate federal statutes, as they now are or as they may be  
 14 amended to the extent that federal matching money is not available  
 15 to the state for these purposes, then and in that event the  
 16 Legislature is specifically authorized and empowered to prescribe  
 17 such limitations and restrictions and enact such laws as may be  
 18 necessary in order that such federal matching money will be  
 19 available for assistance and/or medical care for or on behalf of  
 20 needy persons.

21       Nothing in this Section shall be construed to amend, modify  
 22 or repeal Section 31 of Article XVI of this Constitution; provided  
 23 further, however, that such medical care, services or assistance  
 24 shall also include the employment of objective or subjective means,  
 25 without the use of drugs, for the purpose of ascertaining and  
 26 measuring the powers of vision of the human eye, and fitting lenses  
 27 or prisms to correct or remedy any defect or abnormal condition of

1 vision. Nothing herein shall be construed to permit optometrists  
2 to treat the eyes for any defect whatsoever in any manner nor to  
3 administer nor to prescribe any drug or physical treatment  
4 whatsoever, unless such optometrist is a regularly licensed  
5 physician or surgeon under the laws of this state.

6 SECTION 2. This proposed constitutional amendment shall be  
7 submitted to the voters at an election to be held November 2, 1982.  
8 The ballot shall be printed to provide for voting for or against  
9 the proposition: "The constitutional amendment to authorize the  
10 legislature to provide assistance to needy persons without a  
11 constitutional ceiling on the permissible amount of state  
12 assistance."

# HOUSE ENGROSSMENT

SPECIAL PRINTING

F

By Washington

H.J.R. No. 62

## A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize the legislature  
2 to provide by law for assistance grants, medical care, and services  
3 to needy persons without a constitutional ceiling on the amount of  
4 state assistance.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. That Article III, Section 51-a, of the Texas  
7 Constitution be amended to read as follows:

8 Sec. 51-a. The Legislature shall have the power, by General  
9 Laws, to provide, subject to limitations herein contained, and such  
10 other limitations, restrictions and regulations as may by the  
11 Legislature be deemed expedient, for assistance grants to and/or  
12 medical care for, and for rehabilitation and any other services  
13 included in the federal laws as they now read or as they may  
14 hereafter be amended, providing matching funds to help such  
15 families and individuals attain or retain capability for  
16 independence or self-care, and for the payment of assistance grants  
17 to and/or medical care for, and for rehabilitation and other  
18 services to or on behalf of:

19 (1) Needy aged persons who are citizens of the United States  
20 or noncitizens who shall have resided within the boundaries of the  
21 United States for at least twenty-five (25) years;

22 (2) Needy individuals who are totally and permanently  
23 disabled by reason of a mental or physical handicap or a  
24 combination of physical and mental handicaps;

1           (3) Needy blind persons;

2           (4) Needy dependent children and the caretakers of such  
3 children.

4           The Legislature may prescribe such other eligibility  
5 requirements for participation in these programs as it deems  
6 appropriate.

7           The Legislature shall have authority to enact appropriate  
8 legislation which will enable the State of Texas to cooperate with  
9 the Government of the United States in providing assistance to  
10 and/or medical care on behalf of needy persons, in providing  
11 rehabilitation and any other services included in the federal laws  
12 making matching funds available to help such families and  
13 individuals attain or retain capability for independence or  
14 self-care, to accept and expend funds from the Government of the  
15 United States for such purposes in accordance with the laws of the  
16 United States as they now are or as they may hereafter be amended,  
17 and to make appropriations out of state funds for such purposes[  
18 ~~provided-that-the-maximum-amount-paid-out-of-state-funds-to--or--on~~  
19 ~~behalf--of--any--needy--person--shall-not-exceed-the-amount-that-is~~  
20 ~~matchable-out-of-federal-funds;-provided-that-the-total--amount--of~~  
21 ~~such--assistance-payments-only-out-of-state-funds-on-behalf-of-such~~  
22 ~~individuals-shall-not-exceed-the-amount-of-Eighty--Million--Dollars~~  
23 ~~(\$80,000,000)-during-any-fiscal-year-~~

24           [~~Supplementing---legislative--appropriations--for--assistance~~  
25 ~~payments--authorized--by--this--Section;-the--following--sums--are~~  
26 ~~allocated---out---of---the--Omnibus--Tax--Clearance--Fund--and--are~~  
27 ~~appropriated-to-the-State-Department--of--Public--Welfare--for--the~~

1 period--beginning--September--1,--1969--and--ending--August--31,--1971--  
 2 Three-Million,--Six-Hundred-Thousand-Dollars--(\$3,600,000)--for--Old  
 3 Age---Assistance,---Two--Million,--Five--Hundred--Thousand--Dollars  
 4 (\$2,500,000)--for--Aid--to--the--Permanently--and--Totally--Disabled,--and  
 5 Twenty-Three--Million,--Nine-Hundred-Thousand-Dollars--(\$23,900,000)  
 6 for--Aid--to--Families--with--Dependent--Children,--Such--allocations--and  
 7 appropriations--shall--be--made--available--on--the--basis--of--equal  
 8 monthly--installments--and--otherwise--shall--be--subject--to---the  
 9 provisions--of--currently--existing--laws--making--allocations--and  
 10 appropriations--for--these--purposes].

11        Provided further, that if the limitations and restrictions  
 12 herein contained are found to be in conflict with the provisions of  
 13 appropriate federal statutes, as they now are or as they may be  
 14 amended to the extent that federal matching money is not available  
 15 to the state for these purposes, then and in that event the  
 16 Legislature is specifically authorized and empowered to prescribe  
 17 such limitations and restrictions and enact such laws as may be  
 18 necessary in order that such federal matching money will be  
 19 available for assistance and/or medical care for or on behalf of  
 20 needy persons.

21        Nothing in this Section shall be construed to amend, modify  
 22 or repeal Section 31 of Article XVI of this Constitution; provided  
 23 further, however, that such medical care, services or assistance  
 24 shall also include the employment of objective or subjective means,  
 25 without the use of drugs, for the purpose of ascertaining and  
 26 measuring the powers of vision of the human eye, and fitting lenses  
 27 or prisms to correct or remedy any defect or abnormal condition of

1 vision. Nothing herein shall be construed to permit optometrists  
2 to treat the eyes for any defect whatsoever in any manner nor to  
3 administer nor to prescribe any drug or physical treatment  
4 whatsoever, unless such optometrist is a regularly licensed  
5 physician or surgeon under the laws of this state.

6 SECTION 2. This proposed constitutional amendment shall be  
7 submitted to the voters at an election to be held November 2, 1982.  
8 The ballot shall be printed to provide for voting for or against  
9 the proposition: "The constitutional amendment to authorize the  
10 legislature to provide assistance to needy persons without a  
11 constitutional ceiling on the permissible amount of state  
12 assistance."

COMMITTEE SUBSTITUTE FORM

*Brooks*

MAY 14, 1981

Austin, Texas

Date of report to Senate

Honorable William P. Hobby  
President of the Senate

Sir:

We, your Committee on HUMAN RESOURCES to which was referred  
HJR B. No. 62, have had the same under consideration, and I am instructed to report it back to the  
Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu  
thereof do pass and be printed.

*Kurt Cooper*  
Chairman (ACTING)

Paper clip TWO copies of the Committee Substitute and TWO copies of this form to the original bill and retain one copy of this form for your file.



COMMITTEE SUBSTITUTE FORM

Brook

Austin, Texas

MAY 26, 1981

Date of report to Senate

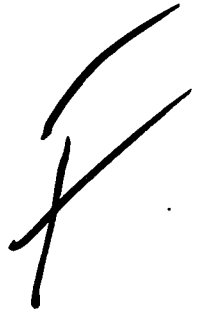
Honorable William P. Hobby  
President of the Senate

Sir:

We, your Committee on HUMAN RESOURCES to which was referred  
HJR No. 62, have had the same under consideration, and I am instructed to report it back to the  
Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu  
thereof do pass and be printed.

Hector Miles  
Chairman (ACTING)

Paper clip TWO copies of the Committee Substitute and TWO copies of this form to the original bill and retain one copy of this form for your file.



ENROLLED

H.J.R. No. 62

A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize the legislature  
2 to provide by law for assistance grants, medical care, and services  
3 to needy persons.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. That Article III, Section 51-a, of the Texas  
6 Constitution be amended to read as follows:

7 Sec. 51-a. The Legislature shall have the power, by General  
8 Laws, to provide, subject to limitations herein contained, and such  
9 other limitations, restrictions and regulations as may by the  
10 Legislature be deemed expedient, for assistance grants to and/or  
11 medical care for, and for rehabilitation and any other services  
12 included in the federal laws as they now read or as they may  
13 hereafter be amended, providing matching funds to help such  
14 families and individuals attain or retain capability for  
15 independence or self-care, and for the payment of assistance grants  
16 to and/or medical care for, and for rehabilitation and other  
17 services to or on behalf of:

18 [ {1} --Needy-aged-persons--who--are--citizens--of--the--United  
19 States--or--non-citizens--who--shall--have--resided--within--the--boundaries  
20 of--the--United--States--for--at--least--twenty-five--(25)--years;

21 [ {2} --Needy--individuals--who--are--totally--and--permanently  
22 disabled--by--reason--of--a--mental--or--physical--handicap--or--a  
23 combination--of--physical--and--mental--handicaps;

24 [ {3} --Needy-blind-persons;

1           [~~(4)~~] Needy dependent children and the caretakers of such  
2 children.

3           The Legislature may prescribe such other eligibility  
4 requirements for participation in these programs as it deems  
5 appropriate[~~-~~

6           [~~The--Legislature--shall--have--authority--to--enact--appropriate~~  
7 ~~legislation--which--will--enable--the--State--of--Texas--to--cooperate--with~~  
8 ~~the--Government--of--the--United--States--in--providing--assistance--to~~  
9 ~~and/or--medical--care--on--behalf--of--needy--persons,--in--providing~~  
10 ~~rehabilitation--and--any--other--services--included--in--the--federal--laws~~  
11 ~~making--matching--funds--available--to--help--such--families--and~~  
12 ~~individuals--attain--or--retain--capability--for--independence--or--self~~  
13 ~~care,--to--accept--and--expend--funds--from--the--Government--of--the--United~~  
14 ~~States--for--such--purposes--in--accordance--with--the--laws--of--the--United~~  
15 ~~States--as--they--now--are--or--as--they--may--hereafter--be--amended,]~~ and  
16 may [~~to~~] make appropriations out of state funds for such purposes.  
17 The[~~,--provided--that--the~~] maximum amount paid out of state funds to  
18 or on behalf of any needy person shall not exceed [~~the--amount--that~~  
19 ~~is--matchable--out--of--federal--funds,--provided--that--the--total--amount~~  
20 ~~of--such--assistance--payments--only--out--of--state--funds--on--behalf--of~~  
21 ~~such--individuals--shall--not--exceed~~] the amount of Eighty Million  
22 Dollars (\$80,000,000) during any fiscal year, except that the limit  
23 shall be One Hundred Sixty Million Dollars (\$160,000,000) for the  
24 two years of the 1982-1983 biennium. For the two years of each  
25 subsequent biennium, the maximum amount shall not exceed one  
26 percent of the state budget. The Legislature by general statute  
27 shall provide for the means for determining the state budget

1 amounts, including state and other funds appropriated by the  
2 Legislature, to be used in establishing the biennial limit.

3 [Supplementing--legislative--appropriations--for--assistance  
4 payments--authorized--by--this--Section,--the--following--sums--are  
5 allocated--out--of--the--Omnibus--Tax--Clearance--Fund--and--are  
6 appropriated--to--the--State--Department--of--Public--Welfare--for--the  
7 period--beginning--September--1,--1969--and--ending--August--31,--1971--  
8 Three--Million,--Six--Hundred--Thousand--Dollars--(\$3,600,000)--for--Old  
9 Age--Assistance,--Two--Million,--Five--Hundred--Thousand--Dollars  
10 (\$2,500,000)--for--Aid--to--the--Permanently--and--Totally--Disabled,--and  
11 Twenty--Three--Million,--Nine--Hundred--Thousand--Dollars--(\$23,900,000)  
12 for--Aid--to--Families--with--Dependent--Children.--Such--allocations--and  
13 appropriations--shall--be--made--available--on--the--basis--of--equal  
14 monthly--installments--and--otherwise--shall--be--subject--to--the  
15 provisions--of--currently--existing--laws--making--allocations--and  
16 appropriations--for--these--purposes.]

17 Provided further, that if the limitations and restrictions  
18 herein contained are found to be in conflict with the provisions of  
19 appropriate federal statutes, as they now are or as they may be  
20 amended to the extent that federal matching money is not available  
21 to the state for these purposes, then and in that event the  
22 Legislature is specifically authorized and empowered to prescribe  
23 such limitations and restrictions and enact such laws as may be  
24 necessary in order that such federal matching money will be  
25 available for assistance and/or medical care for or on behalf of  
26 needy persons.

27 Nothing in this Section shall be construed to amend, modify

1 or repeal Section 31 of Article XVI of this Constitution; provided  
2 further, however, that such medical care, services or assistance  
3 shall also include the employment of objective or subjective means,  
4 without the use of drugs, for the purpose of ascertaining and  
5 measuring the powers of vision of the human eye, and fitting lenses  
6 or prisms to correct or remedy any defect or abnormal condition of  
7 vision. Nothing herein shall be construed to permit optometrists  
8 to treat the eyes for any defect whatsoever in any manner nor to  
9 administer nor to prescribe any drug or physical treatment  
10 whatsoever, unless such optometrist is a regularly licensed  
11 physician or surgeon under the laws of this state.

12 SECTION 2. This proposed constitutional amendment shall be  
13 submitted to the voters at an election to be held November 2, 1982.  
14 The ballot shall be printed to provide for voting for or against  
15 the proposition: "The constitutional amendment to authorize the  
16 legislature to provide assistance through the appropriations  
17 process to needy dependent children and caretakers of such children  
18 and to annually adjust the ceiling on the permissible amount of  
19 state assistance by an amount not to exceed one percent of the  
20 state budget."

H.J.R. No. 62

---

President of the Senate

---

Speaker of the House

I certify that H.J.R. No. 62 was passed by the House on May 4, 1981, by the following vote: Yeas 107, Nays 37, 1 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 62 on May 30, 1981, by the following vote: Yeas 118, Nays 16, 1 present, not voting.

---

Chief Clerk of the House

H.J.R. No. 62

I certify that H.J.R. No. 62 was passed by the Senate, with amendments, on May 27, 1981, by the following vote: Yeas 23, Nays 8.

---

Secretary of the Senate

APPROVED:

---

Date

---

Governor

RECEIVED:

---

Date

---

Secretary of State

By *Handwritten Signature*

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to authorize the legislature to provide by law for assistance grants, medical care, and services to needy persons without a constitutional ceiling on the amount of state assistance.

FEB 17 1981

1. Filed with the Chief Clerk.

FEB 18 1981

2. Read first time and referred to Committee on

Constitutional Amendments

APR 22 1981

APR 24 1981

3. Reported favorably <sup>(as amended)</sup> ~~(as substituted)~~ and sent to Printer at 9:07 am

APR 24 1981

4. Printed and distributed at 12:17 pm.

APR 24 1981

5. Sent to Committee on Calendars at 12:39 pm.

MAY 1 1981

6. Read second time ~~(amended)~~ and ~~(finally)~~ passed to Third Reading by a Record Vote of 95 yeas, 35 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

MAY 4 1981

8. Read third time ~~(amended)~~ and finally adopted ~~(failed of adoption)~~ by a Record Vote of 107 yeas, 37 nays, 1 present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 4 1981

11. Ordered Engrossed at 5:17 pm

MAY 4 1981

12. Engrossed.

MAY 4 1981

13. Returned to Chief Clerk at 5:50 pm

MAY 5 1981

14. Sent to the Senate.

*Betty Murray*  
Chief Clerk of the House

MAY 5 1981

15. Received from the House

MAY 6 1981

16. Read, referred to Committee on HUMAN RESOURCES

17. Reported favorably

MAY 14 1981

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

MAY 19 1981 Recommitted to HUMAN RESOURCES

19. Ordered not printed.

MAY 26 1981

MAY 27 1981

again reported adversely, with favorable - Committee Sub.

20. Regular order of business suspended by ~~(a viva voce vote.)~~ 23 yeas, 8 nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 27 1981

22. Read second time passed to third reading by: (a viva voce vote.)



1981 APR 24 PM 12:17

HOUSE OF REPRESENTATIVES

23. Caption ordered amended to conform to body of bill.

MAY 27 1981

24. Senate and Constitutional 3-Day Rules suspended by vote of 35 yeas,  
60 nays to place bill on third reading and final passage.

MAY 27 1981

25. Read third time and passed by

(a viva voce vote.)  
( 23 yeas, 8 nays.)

OTHER ACTION:

OTHER ACTION:

*Betty King*

Secretary of the Senate

May 27, 1981

26. Returned to the House.

MAY 27 1981

27. Received from the Senate (~~with amendments~~)  
(as substituted.)

MAY 30 1981

28. House (Concurred) (~~Referred to Committee~~) in Senate (~~Amendment~~) by a (~~Non-Record~~  
~~Vote~~) (Record Vote of 118 yeas, 16 nays, 1 present,  
not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 30 1981

31. Ordered Enrolled at 8:40 pm

HOUSE OF REPRESENTATIVES

1981 MAY 27 PM 5:17

HOUSE OF REPRESENTATIVES

1981 MAY -1 PM 7:12